

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri R. Rajendrudu S/o R. Venkatasubbamma, against the Proceedings of the Collector, Chittoor District – under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 68

Dated:07.12.2011.
Read the following.

1. From the District Collector, Chittoor Proceedings No. Roc. C3/7547/2004, dated: 27.09.2008.
2. Appeal petition of Sri R. Rajendrudu S/o R. Venkatasubbamma, Occ:Asst. Exe.Officer (Treasuries), TTD, Tirupathi, Chittoor District dated: 15-10-2008.
3. Govt. Memo No.9654/CV.2/2008, SW(CV.2) Department dated 21.10.2008
4. The District Collector, Chittoor, No. Roc. C3/7547/04, dated: 07.03.2009.
5. Govt. Letter No. 9654/CV.2/2008, SW(CV.2) Department, dated 10.06.2010.
6. From Sri R. Rajendrudu letter dated: 03.03.2011.
7. Govt. Memo No.9654/CV2/2008, SW(CV.2) Department dated 23.03.2011.
8. Govt. Memo No.9654/CV2/2008, SW(CV.2) Department dated 18.08.2011.

ORDER:

In the reference 1st read above the District Collector, Chittoor has issued orders for canceling Scheduled Tribe certificate obtained from the then Tahasildar, Pichatur by Sri R. Rajendrudu S/o R. Venkatasubbamma, Occ:Asst. Exe.Officer (Treasuries) TTD, Tirupathi, Chittoor District.

2. In the reference 2nd read above, Sri R. Rajendrudu has filed appeal petition before the Government against the orders of the District Collector, Chittoor. After examining the said Appeal Petition Government have admitted the appeal petition and stay orders were issued on the proceedings of the District Collector, Chittoor and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the parawise remarks and connected records of Sri R. Rajendrudu.

4. In the reference 6th read above, Sri R. Rajendrudu has submitted written arguments on his Appeal Petition to Government.

5. The said appeal petition has been posted for hearing on 25.06.2010, 28.03.2011, finally on 26.08.2011 the same has been informed to the appellant

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and requested to attend the above hearings with all documentary evidences/ certificates in favour of his community claim, in the references 5th, 7th, and 8th read above. The appellant was presented for the said hearings and explained his community status before the appellate authority.

6. Government has examined the records and proceedings of the District Collector, Chittoor dated. 27.09.2008, grounds and written arguments submitted by the Appellant and having considered the arguments of either side and documentary evidences/ the resolutions of Grama Sabha and the certificate issued by the M.R.O., Pichatur and after hearing the oral evidences/ statements, it is observed that the Appellant's parents belong to Kammara Caste, which comes under S.T. Community and hail from Visakhapatnam District. They were doing tinkering work to the vessels, which is the main occupation of Kammara Caste. When the appellant was two years old, his parents have migrated from Visakhapatnam and finally settled at Rajanagaram Village of Pichatur (M), Chittoor District to eke-out their livelihood and did not return to their village, since there was continuous demand for tinkering work in the surrounding villages. The appellant's mother has taken all the pains in educating him till X class, who subsequently completed Degree. In the entire academic records, the Appellant caste was said to be recorded as Kammara, which is classified as ST Community. When the Appellant has approached the Revenue Authorities for caste certificate, the M.R.O., Pichatur, after conducting local enquiry and after satisfying the eligibility of the Appellant issued caste certificate on 18.07.1985 to the effect that he belongs to Kammara Caste. He got appointed as LDC in TTD under Kammara Quota in the year 1987. In the year 1989, the Director of Tribal Welfare has initiated verification regarding his social status, the Appellant has appeared before the authorities and produced relevant certificates/statements. Having satisfied with the correctness of social status, no further action was initiated against him. Subsequently, he got promotions from LDC cadre to the post of Dy. E.O. as per the Rule of Reservation.

After lapse of 15 years, certain S.T. Employees of TTD who got vengeance made complaint against him, alleging that he is not of S.T. category. There upon, the E.O., TTD referred the matter to the District Collector, Chittoor for enquiry and directed by the Collector, Chittoor, the M.R.O. issued notice to the Appellant to appear in the month of February, 2005. The M.R.O., Pitchatur conducted Grama Sabha in the village with the Panchayatdars and village heads, recorded the statement before the villagers and submitted a detailed report to the R.D.O., Tirupathi stating that all the procedural enquiries were made in the village and everybody in the village stated that the appellant belong to Kammara Caste only. The enquiry conducted by the M.R.O, Pitchatur at the ground level satisfy all the norms prescribed under A.P. S.C., S.T. & B.Cs Regulation of issue of Community Certificate Act, 1993. After a lapse 2 ½ years of the report of the M.R.O., the R.D.O, Tirupathi conducted enquiry, and submitted report to the Collector, Chittoor, stating that the Appellant produced only School Certificates, without giving any documentary evidences produced by M.R.O., Pichatur. The Collector, Chittoor without going for enquiry, simply relied upon the report of the M.R.O., referred the matter to the DLSC without giving any opportunity to the individual. The DLSC has not conducted any detailed enquiry as prescribed in the Act and concluded adverse since he married a Kshatriya Caste woman which is a love marriage and thus he was deprived, because of not giving any opportunity to defend. The Collector, Chittoor in violation of the principles of natural justice passed orders canceling the caste certificate of the appellant, issued by the M.R.O., Pichatur.

The Appellant has quoted the judgment of the High Court in a case, wherein it is stated that since the area restriction cannot be imposed on

Kammaras living plain areas, because Kammara is notified as Scheduled Tribe, throughout the State as per the S.Cs and S.Ts Order of 1976, but not confined to in the Govt. Circular Memo, dt. 18.10.1996. Hence, the identification of Kammaras should be based on the enquiry in respect of their traditional customs, manners, form of worship, marital relations, social and cultural habits, caste structure etc.

The records reveal that the M.R.O., Pichatur having invited claims and objections granted caste certificate to the appellant to the effect that he belongs to Kammara (ST) caste. The Grama sabha was conducted in the village, all the villagers and village dignitaries including Sarpanch have attended the Grama Sabha and resolved that Sri R. Rajendrudu and his parents originally belongs to Kammara caste but not Kamma caste. The allegations made against the appellant by the SC and ST Welfare Association of TTD that he belongs to Kamma caste but not Kammara is not based on any records. There are no such records, evidences said to be produced before the authorities that can prove the caste of the Rajendrudu as Kamma. The burden of proof lies on the shoulders of the complainants. Moreover, the M.R.O., Pitchatur who made a detailed enquiry after observing all procedure formalities, concluded that his parents belongs Kammara caste only. The caste can be identified based on their traditional occupation of the parents. In olden days, the castes are decided based on their traditional occupations. It is not disputed that the appellant has born to a ST community person and at any point, the caste will not be changed, if the place of residence is changed. It is also observed that the traditional occupation of the parents of the appellant and their living pattern by way of tinkering and polishing of bronze and copper vessels in the streets of Visakhapatnam and continuing the same work, even after migrating themselves to Rajanagaram for their livelihood and following the customs and habits of Kammara caste.

7. Government after careful examination of matter and the facts stated supra and in Exercise of the powers conferred under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allowed the Appeal Petition filed by Sri R. Rajendrudu S/o R. Venkatasubbamma, Assistant Executive Officer, (Treasury), TTD, Tirupati and the Proceedings of the District Collector, Chittoor issued in No.C3/7547/04, dated 27.09.2008 is hereby set aside, by upholding the ST Kammara community certificate No. 330/85, dated 18.07.1985 obtained from the MRO, Pichatur by Sri R. Rajendrudu S/o R. Venkatasubbamma.

8. The District Collector, Chittoor shall take necessary action in the matter.

9. The records (containing No. Roc. C3/7547/04, pages 01 to 468) received from District Collector, Chittoor District, through 4th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To

The District Collector, Chittoor (By RPAD) (with original records).

Sri R.Rajendrudu, S/o R.Venkatasubbamma,

Occ:Deputy Executive Officer (Info.Center),TTD, Balaji Bhavan, **Himayat**

Nagar, Hyderabad and **R/o D.No.20-3-5/3/A3, II floor Sree Venkateswara**

Nilayam Siva Jyothi Nagar, Tirupathi.

p.t.o.

Sri K.Muralidhar Reddy, Advocate to the petitioner,
88, SRT, Municipal Colony, Malakpet,
Hyderabad-500 036.

The Executive Officer, TTD, Tirumala, Tirupati,
Chittoor District - 517501.

Copy to:

The Director, TCR& TI, AP, Hyderabad.

The CTW, AP, Hyderabad

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.